

REMARKS

Pursuant to 37 C.F.R. § 1.111, Applicants respectfully request reconsideration of the claim rejections set forth in the Office Action dated January 23, 2007.

Summary

Claims 2, 4, 6, 8, 10, and 13 are currently pending.

Claim 2 is currently amended. No new matter was added as a result.

Claims 8 and 10 were withdrawn by the Examiner.

Claims 13 - 14 are added.

Claim Rejections

Claims 2 and 6 were rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Yamaguchi et al. (U.S. Patent No. 6,087,760), Bouyoucos (U.S. Patent No. 3,383,841) or Rorick (U.S. Patent No. 5,956,293). Claim 4 was rejected pursuant to 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al., Bouyoucos or Rorick in view of Scarpa (U.S. Patent No. 3,433,461).

Applicants note that in the Office Action dated January 23, 2007, the Examiner recited "claim 1" throughout. Applicant reasonably believes that the Examiner meant to discuss the limitations of claim 2. In order to expedite prosecution, Applicants have responded to the Office Action as if the discussion in the previous Office Action were directed to claim 2. Applicant respectfully requests correction of the apparently inadvertent error in any subsequent Office Actions.

Claim 2 recites, *inter alia*, the thin portion is formed such that a portion of the side wall has a reduced width.

Yamaguchi et al. fail to disclose or the thin portion is formed such that a portion of the side wall has a reduced width. In fact, Yamaguchi et al. suggest a contrary arrangement. The Examiner cites vibrating cylinder 71 as the side wall and groove 71a

as the thin portion. In each of the embodiments shown in Figures 7, 8, and 9, the vibrating cylinder 71 remains the same shape and size. The groove 71a is “the circumferential portion of the upper inside face around the piezoelectric disc 70” (col. 17, 38 – 40). The groove 71a is disposed between the piezoelectric disc 70 and the vibrating cylinder 71. The groove 71a does not change the width of the vibrating cylinder. Therefore, claim 2 is allowable over the cited reference.

Bouyoucos fails to disclose or suggest the thin portion is formed such that a portion of the side wall has a reduced width. In fact, Bouyoucos teaches a contrary arrangement. The Examiner cites the end 164 as the side wall and the groove 166 as the thin portion. The groove 166 does not change the size or shape of the end 164. The groove 166 is disposed between the radiating portion 160 and the end 164. Therefore, claim 2 is allowable over the cited reference.

Rorick fails to disclose or suggest the thin portion is formed such that a portion of the side wall has a reduced width. In fact, Rorick teaches a contrary arrangement. The Examiner cites the cylindrical housing 152 as the side wall and the grooves 190 and 192 as the thin portion. As shown in Figure 4, the grooves 190 and 192 do not change the size or shape of the cylindrical housing 152. Therefore, claim 2 is allowable over the cited reference.

Claims 4 and 6 depend from allowable claim 2, so are allowable for at least this reason. Further limitations of the dependent claims may be allowable over the cited reference.

New Claims

Claims 13 – 14 are currently added. No new matter is added as a result. Claims 13 – 14 depend from allowable claim 2, so are allowable for at least this reason. Further limitations of dependent claims 13 – 14 are allowable over the cited references. For example, the cited references fail to disclose a thickness of the vibrating portion is the

same as a thickness of the side plate as recited in claim 13. In addition, the cited references fail to disclose the thin portion is embedded in the side plate.

CONCLUSION

For at least the reasons presented above, the Applicant respectfully submits that the pending claims are in condition for allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

/Gustavo Siller, Jr./
Gustavo Siller, Jr.
Registration No. 32,305
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200